

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 2662 of 1996

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NEW INDIA ASSURANCE CO.LTD.

Versus

CHAMPABEN CHANABHAI PARMAR

Appearance:

MR RAJNI H MEHTA for Petitioner

MR DH WAGHELA for Respondent Nos.1 to 5

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 16/08/96

ORAL JUDGEMENT

1. Heard learned counsel for the respective parties.

Appeal admitted.

2. Mr. D.H. Vaghela waives service in the appeal for respondent nos.1 to 5. By consent and at the joint request of learned counsel for the parties the appeal is taken up for final hearing today.

3. Learned counsel for the appellant submitted that the present appeal is limited to the question of rate of interest awarded by the Trial Court. This is also in consonance with the endorsement made by hand on the memo of the appeal on 25th July 1996 (on the date when the notice was issued in the appeal).

4. As a result of the discussion on the merits of this limited controversy, Mr. Vaghela appearing for respondent nos.1 to 5-original claimants conceded that the rate of interest awarded by the trial court at 12% was in fact excessive and that the appropriate rate would be 6%. Accordingly the impugned judgment and order of the Commissioner for Workmen's Compensation, is modified only to the extent that the amount awarded therein shall bear interest at the rate of 6% per annum, for the period specified therein.

5. Accordingly this appeal is allowed to the aforesaid extent with no order as to costs.

6. Decree to be drawn accordingly.
